IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7057 of 2007()

PETITIONERS/ACCUSED

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1. MUHAMMAD SATHAR,
   DARU-SSALAM, CHIRAKKADAVOM, KAYAMKULAM.

2. MAJEEDA BEEVI, DARU-SSALAM,
   CHIRAKKADAVOM, KAYAMKULAM.

3. MUHAMMAD KABEER,
   RAYYAM, CHIRAKKADAVOM, KAYAMKULAM.

4. NISA, LULU HOUSE,
   DARU-SSALAM, CHIRAKKADAVOM, KAYAMKULAM.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   KAYAMKULAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7057 OF 2007

Dated this the 20th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband of the de facto complainant and his relatives. It is submitted that Crime No.778/07 of the Kayamkulam Police Station has been registered, inter alia, under Sec.498A of the IPC. That crime has been registered on the basis of a private complaint filed by the de facto complainant which the learned Magistrate had referred to the police under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioners. I take note of the submission that the marriage

had taken place on 3/12/06. The learned counsel for the petitioners submits that there is some strain in the matrimony. Because of such strain, fanciful and exaggerated allegations are being made. I take note of the further submission of the learned Public Prosecutor that the de facto complainant has not suffered any external injuries also.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 27/1107. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 28/11/07 and 29/11/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 27/11/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 27/11/07.

Sd/-
(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge